

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
MURs 5403, 5427, 5440 and 5466)
MUR 5403: America Coming Together)
and Carl Pope, as Treasurer; Joint)
Victory Campaign and Janice Ann)
Enright, as Treasurer; Leadership Forum;)
The Media Fund;)
MUR 5427: Joint Victory Campaign)
2004 and Janice Ann Enright, as)
Treasurer; The Media Fund;)
MUR 5440: America Coming Together)
and Carl Pope, as Treasurer; America)
Votes; Environment 2004 and Miranda)
Anderson, as Treasurer; League of)
Conservation Voters and Gwendolyn M.)
Sommer, as Treasurer; The Media Fund;)
MoveOn.org Voter Fund; Moving)
America Forward; New Democratic)
Network and Simon Rosenberg, as)
Treasurer; Partnership for America's)
Families; The Sierra Club and Craig)
Haegle, as Treasurer; Joint Victory)
Campaign 2004 and Janice Ann Enright,)
as Treasurer; Voices for Working)
Families;)
MUR 5466: America Coming Together)
and Carl Pope, as Treasurer)

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission
executive session, do hereby certify that on September 14, 2004 the Commission
took the following actions in the above-captioned matter:

27044181608

1. Decided by a vote of 5-0, in MUR 5403, to:

- a. Find reason to believe that The Media Fund violated 2 U.S.C. §§ 433, 434, 441a(f), and 441b(a) by failing to register as a political committee with the Commission, by failing to report contributions and expenditures, by knowingly accepting contributions in excess of \$5,000, and by knowingly accepting corporate and/or union contributions.
- b. Approve the appropriate factual and legal analysis for The Media Fund, to be circulated for Commission approval on a tally vote basis.

- d. Approve the appropriate letters.

Commissioners Mason, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioner McDonald did not vote.

2. Failed by a vote of 3-2, in MUR 5403, to pass a motion to:

- a. Find reason to believe that the Leadership Forum violated 2 U.S.C. §§ 433, 434, 441a(f), and 441b(a) by failing to register as a political committee with the Commission, by failing to report contributions and expenditures, by knowingly accepting contributions in excess of \$5,000, and by knowingly accepting corporate and/or union contributions.
- b. Approve the appropriate factual and legal analysis for the Leadership Forum, to be circulated for Commission approval on a tally vote basis.
- c.
- d. Approve the appropriate letters.

27044181609

Commissioners Mason, Smith, and Toner voted affirmatively for the decision.

Commissioners Thomas and Weintraub dissented. Commissioner McDonald did not vote.

3. Decided by a vote of 4-1, in MUR 5403, to:

- a. Find reason to believe that America Coming Together and Carl Pope, as Treasurer, and Joint Victory Campaign and Janice Ann Enright, as Treasurer, violated 2 U.S.C. §§ 434, 441a(f), 441b(a) and 11 CFR §§ 102.5, 104.10, 106.1 and 106.6 by failing to attribute and report expenses between multiple federal candidates, by failing to allocate and report shared administrative and fundraising activities and by using prohibited funds to pay for the federal share of those expenses, which may have resulted in prohibited and excessive contributions.
- b. Approve the appropriate factual and legal analyses for America Coming Together and Carl Pope, as Treasurer, and Joint Victory Campaign and Janice Ann Enright, as Treasurer, to be circulated for Commission approval on a tally vote basis.
- c.
- d. Approve the appropriate letters.

Commissioners Mason, Smith, Thomas, and Toner voted affirmatively for the decision. Commissioner Weintraub dissented. Commissioner McDonald did not vote.

4. Decided by a vote of 4-1, in MUR 5403, to:

Take no action at this time against the Leadership Forum.

Commissioners Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioner Mason dissented. Commissioner McDonald did not vote.

27044181610

5. Decided by a vote of 5-0, in MUR 5427, to:

- a. Find reason to believe that The Media Fund violated 2 U.S.C. §§ 433, 434, 441a(f), and 441b(a) by failing to register as a political committee with the Commission, by failing to report contributions and expenditures, by knowingly accepting contributions in excess of \$5,000, and by knowingly accepting corporate and/or union contributions.
- b. Approve the appropriate factual and legal analysis for The Media Fund, to be circulated for Commission approval on a tally vote basis.

Commissioners Mason, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioner McDonald did not vote.

6. Decided by a vote of 4-1, in MUR 5427, to:

- a. Find reason to believe that Joint Victory Campaign 2004 and Janice Ann Enright, as Treasurer, violated 2 U.S.C. §§ 434, 441a(f), 441b(a) and 11 CFR §§ 102.5, 104.10, 106.1 and 106.6 by failing to attribute and report expenses between multiple federal candidates, by failing to allocate and report shared administrative and fundraising activities and by using prohibited funds to pay for the federal share of those expenses, which may have resulted in prohibited and excessive contributions.
- b. Approve the appropriate factual and legal analysis for the Joint Victory Campaign 2004 and Janice Ann Enright, as Treasurer, to be circulated for Commission approval on a tally vote basis.

Commissioners Mason, Smith, Thomas, and Toner voted affirmatively for the decision. Commissioner Weintraub dissented. Commissioner McDonald did not vote.

7. Decided by a vote of 5-0, in MUR 5427, to:

- a.
- b. Approve the appropriate letters.

27044181611

Commissioners Mason, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioner McDonald did not vote.

8. Decided by a vote of 5-0, in MUR 5440, to:

- a. Find reason to believe that The Media Fund violated 2 U.S.C. §§ 433, 434, 441a(f), and 441b(a) by failing to register as a political committee with the Commission, by failing to report contributions and expenditures, by knowingly accepting contributions in excess of \$5,000, and by knowingly accepting corporate and/or union contributions.
- b. Approve the appropriate factual and legal analysis for The Media Fund, to be circulated for Commission approval on a tally vote basis.

Commissioners Mason, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioner McDonald did not vote.

9. Failed by a vote of 3-2, in MUR 5440, to pass a motion to:

- a. Find reason to believe that Moving America Forward violated 2 U.S.C. §§ 433, 434, 441a(f), and 441b(a) by failing to register as a political committee with the Commission, by failing to report contributions and expenditures, by knowingly accepting contributions in excess of \$5,000, and by knowingly accepting corporate and/or union contributions.
- b. Approve the appropriate factual and legal analysis for Moving America Forward, to be circulated for Commission approval on a tally vote basis.

Commissioners Mason, Smith, and Toner voted affirmatively for the decision.

Commissioners Thomas and Weintraub dissented. Commissioner McDonald did not vote.

27044181612

10. Failed by a vote of 3-2, in MUR 5440, to pass a motion to:

- a. Find reason to believe that MoveOn PAC and Wesley Boyd, as Treasurer, MoveOn Voter Fund, Joint Victory Campaign 2004 and Janice Ann Enright, as Treasurer, Environment 2004 PAC and Miranda Anderson, as Treasurer, Environment 2004 527, and the New Democrat Network and Simon Rosenberg, as Treasurer, violated 2 U.S.C. §§ 434, 441a(f), 441b(a) and 11 CFR §§ 102.5, 104.10, 106.1 and 106.6 by failing to attribute and report expenses between multiple federal candidates, by failing to allocate and report shared administrative and fundraising activities and by using prohibited funds to pay for the federal share of those expenses, which may have resulted in prohibited and excessive contributions.
- b. Approve the appropriate factual and legal analyses for MoveOn PAC and Wesley Boyd, as Treasurer, MoveOn Voter Fund, Joint Victory Campaign 2004 and Janice Ann Enright, as Treasurer, Environment 2004 PAC and Miranda Anderson, as Treasurer, Environment 2004 527, and the New Democrat Network and Simon Rosenberg, as Treasurer, to be circulated for Commission approval on a tally vote basis.

Commissioners Mason, Thomas, and Toner voted affirmatively for the decision. Commissioners Smith and Weintraub dissented. Commissioner McDonald did not vote.

11. Decided by a vote of 5-0, in MUR 5440, to:

Take no action at this time against America Votes, Inc., Partnership for America's Families, the Sierra Club, Voices for Working Families, Moving America Forward, League of Conservation Voters Action Fund and Gwendolyn M. Sommer, as Treasurer, and the League of Conservation Voters 527.

Commissioners Mason, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioner McDonald did not vote.

27044181513

12. Decided by a vote of 4-1, in MUR 5440, to:

- a. Find reason to believe that America Coming Together and Carl Pope, as Treasurer, violated 2 U.S.C. §§ 434, 441a(f), 441b(a) and 11 CFR §§ 102.5, 104.10, 106.1 and 106.6 by failing to attribute and report expenses between multiple federal candidates, by failing to allocate and report shared administrative and fundraising activities and by using prohibited funds to pay for the federal share of those expenses, which may have resulted in prohibited and excessive contributions.
- b. Approve the appropriate factual and legal analysis for America Coming Together and Carl Pope, as Treasurer, to be circulated for Commission approval on a tally vote basis.

Commissioners Mason, Smith, Thomas, and Toner voted affirmatively for the decision. Commissioner Weintraub dissented. Commissioner McDonald did not vote.

13. Decided by a vote of 5-0, in MUR 5440, to:

- a.
- b. Approve the appropriate letters.

Commissioners Mason, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioner McDonald did not vote.

14. Decided by a vote of 4-1, in MUR 5466, to:

- a. Find reason to believe that America Coming Together and Carl Pope, as Treasurer, violated 2 U.S.C. §§ 434, 441a(f), 441b(a) and 11 CFR §§ 102.5, 104.10, 106.1 and 106.6 by failing to attribute and report expenses between multiple federal candidates, by failing to allocate and report shared administrative and fundraising activities and by using prohibited funds to pay for the federal share of those expenses, which may have resulted in prohibited and excessive contributions.

27044181614

- b. Approve the appropriate factual and legal analysis to be circulated for Commission approval on a tally vote basis.
- c.
- d. Approve the appropriate letters.

Commissioners Mason, Smith, Thomas, and Toner voted affirmatively for the decision. Commissioner Weintraub dissented. Commissioner McDonald did not vote.

Attest:

September 15, 2004
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

27044181615